

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

SIPA LIQUIDATION

No. 08-01789 (SMB)

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

TRUST U/ART FOURTH O/W/O ISRAEL
WILENITZ,

EVELYN BEREZIN WILENITZ, individually,
and as Trustee and Beneficiary of the Trust U/ART
Fourth O/W/O Israel Wilenitz, and

SARA SEIMS, as Trustee of the Trust U/ART
Fourth O/W/O Israel Wilenitz,

Defendants.

Adv. Pro. No. 10-04995 (SMB)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

TOBY HARWOOD,

Defendant.

Adv. Pro. No. 10-04818 (SMB)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

Adv. Pro. No. 10-04914 (SMB)

EDYNE GORDON, in her capacity as the executrix
and primary beneficiary of the estate of Allen
Gordon,

Defendant.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,
v.

ESTATE OF BOYER PALMER, DIANE
HOLMERS, in her capacity as Personal
Representative of the Estate of Boyer Palmer, and
BRUCE PALMER, in his capacity as Personal
Representative of the Estate of Boyer Palmer,

Defendants.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,
v.

RUSSELL L. DUSEK,

Defendant.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,
v.

KENNETH W PERLMAN; FELICE J.
PERLMAN; and SANFORD S. PERLMAN,

Defendants.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,
v.

BRUNO DIGIULIAN,

Adv. Pro. No. 10-04826 (SMB)

Adv. Pro. No. 10-04644 (SMB)

Adv. Pro. No. 10-04541 (SMB)

Adv. Pro. No. 10-04728 (SMB)

Defendant.	
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff,	Adv. Pro. No. 10-04905 (SMB)
Plaintiff,	
v.	
TRAIN KLAN, a Partnership; FELICE T. LONDA, in her capacity as a Partner in Train Klan; CLAUDIA HELMIG, in her capacity as a Partner in Train Klan; TIMOTHY LANDRES, in his capacity as a Partner in Train Klan; JESSICA LONDA, in her capacity as a Partner in Train Klan; PETER LONDA, in his capacity as a Partner in Train Klan; TIMOTHY HELMIG, in his capacity as a Partner in Train Klan; and WENDY LANDRES, in her capacity as a Partner in Train Klan,	
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff,	Adv. Pro. No. 10-04621 (SMB)
Plaintiff,	
v.	
DONALD A. BENJAMIN,	
Defendant.	

STIPULATED ORDER APPOINTING THE SPECIAL DISCOVERY ARBITRATOR

WHEREAS, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance actions;

WHEREAS, on August 29, 2016, September 14, 2016 and September 19, 2016, the

Parties in the above captioned matters have submitted three discovery disputes to the Court (the “Pending Disputes”);

WHEREAS, on October 4, 2016, Judge Bernstein entered an Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390 (the “October 4, 2016 Order”) appointing the Honorable Frank Maas (ret.), c/o JAMS, Inc. as Discovery Arbitrator (the “Discovery Arbitrator”) to resolve discovery disputes that may arise and which have been specifically referred to him by the Court with consent of the parties to the dispute.

NOW, THEREFORE, THE PARTIES TO THIS STIPULATION AGREE AND STIPULATE AS FOLLOWS:

1. The Parties agree that the Pending Disputes shall be submitted to the Discovery Arbitrator.
2. Upon submission of this Stipulated Order Appointing the Discovery Arbitrator to the Court, the Trustee will email the Discovery Arbitrator, copying Ms. Chaitman, to request a joint conference with the Discovery Arbitrator to discuss procedures and how to apply the decisions of the Discovery Arbitrator across similar cases.
3. The Parties will advise the Court not later than October 21, 2016 if the hearing on the matters relating to the Pending Disputes currently set for October 26, 2016, is adjourned.

ORDERED, that this Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

Dated: New York, New York
October __, 2016

/s/ David J. Sheehan
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Attorneys for Defendants

So Ordered this 17th day of October, 2016.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE